

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jeremiah D. Austin
Mary Kay Austin
fka Mary Kay Browning
Debtor(s)

Bankruptcy Case No.: 18-22597-TPA
Per December 19, 2019 proceeding
Chapter: 13
Docket No.: 64 – 60, 61
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 12, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2492.00 as of January 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Toyota (C1 8) as a pay in full claim .
- ☒ H. Additional Terms: A fee application is needed if any fee, including retainer, exceeds \$4,000, including fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 20, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jeremiah D. Austin
 Mary Kay Austin
 Debtors

Case No. 18-22597-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

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 Total Noticed: 50

Date Rcvd: Dec 20, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2019.

db/jdb
 aty +Jeremiah D. Austin, Mary Kay Austin, 418 1st Street, Apollo, PA 15613-1107
 +The Debt Doctors, LLC, 607 College Street, Suite 101, Pittsburgh, PA 15232,
 UNITED STATES 15232-1700
 cr +Embrace Home Loans, Inc., 1581 Main Street, Suite 200, Warrington, PA 18976-3403
 cr +RoundPoint Mortgage Servicing Corporation, Stern & Eisenberg, PC, 1581 Main Street,
 Suite 200, 1581 Main Street, Suite 200, Warrington, PA 18976-3403
 14871995 CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 14871996 Chrysler Capital, PO Box 660335, Dallas, TX 75266-0335
 14886230 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
 14871997 Citi, PO Box 9001055, Louisville, KY 40290-1055
 14871998 +Citi Cards, PO Box 6283, Sioux Falls, SD 57117-6283
 14895055 #+Embrace Home Loans, Inc., c/o RoundPoint Mortgage Servicing Corp., 5016 Parkway Plaza Blvd.,
 Buildings 6 and 8, Charlotte, NC 28217-1932
 14872001 +Fed Loan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
 14872002 +First Premier Bank, 601 S. Minnesota Avenue, Sioux Falls, SD 57104-4868
 14872003 +Holly Austin, 415 N. 6th Street, Apollo, PA 15613-1217
 14872005 ++NATIONWIDE INSURANCE, SERVICE OF PROCESS TEAM, THREE NATIONWIDE PLAZA, MAIL CODE 3-11-310,
 COLUMBUS OH 43215-2410
 (address filed with court: Nationwide Bank, 1 Nationwide Plaza, Columbus, OH 43215-2220)
 14872006 +NCB Management Services, Inc., PO Box 1099, Langhorne, PA 19047-6099
 14872007 PA SCUJ, PO Box 69111, Harrisburg, PA 17106-9111
 14901040 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14872009 #+Roundpoint Mortgage, 5032 Parkway Plaza Blvd., Charlotte, NC 28217-1918
 14887052 +Santander Consumer USA, Inc., d/b/a Chrysler Capital, PO Box 961275,
 Fort Worth, TX 76161-0275
 14872011 +Sherman Originator III, LLC, PO Box 10497, Greenville, SC 29603-0497
 14872015 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, PO Box 5855,
 Carol Stream, IL 60197-5855)
 14893160 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14883071 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184,
 Harrisburg PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14871990 +E-mail/Text: alleghenyfcu@windstream.net Dec 21 2019 03:06:34 Allegheny Metal FCU,
 260 Pershing Ave., Leechburg, PA 15656-1241
 14871991 +E-mail/Text: bk@avant.com Dec 21 2019 03:07:19 Avant, 640 N. LaSalle,
 Chicago, IL 60654-3731
 14894762 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 21 2019 03:36:45
 Bureau Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC,
 PO Box 41021, Norfolk VA 23541-1021
 14871992 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 21 2019 03:13:41 Capital One,
 PO Box 30253, Salt Lake City, UT 84130-0253
 14871993 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 21 2019 03:15:04 Capital One Services,
 P.O. Box 30281, Salt Lake City, UT 84130-0281
 14871994 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 21 2019 03:15:05 Capital One Services,
 POB 30285, Salt Lake City, UT 84130-0285
 14874695 +E-mail/Text: bankruptcy@cavps.com Dec 21 2019 03:07:09 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14871999 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Dec 21 2019 03:06:29 Comenity Bank,
 PO Box 182789, Columbus, OH 43218-2789
 14872000 E-mail/PDF: creditonebknofications@resurgent.com Dec 21 2019 03:13:50 Credit One Bank,
 P.O. Box 98873, Las Vegas, NV 89193-8873
 14894818 E-mail/PDF: resurgentbknofications@resurgent.com Dec 21 2019 03:14:00
 LVNV Funding, LLC its successors and assigns as, assignee of Capital One, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14894759 E-mail/PDF: resurgentbknofications@resurgent.com Dec 21 2019 03:13:59
 LVNV Funding, LLC its successors and assigns as, assignee of Capital One Bank (USA), N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14872004 +E-mail/Text: bk@lendingclub.com Dec 21 2019 03:07:17 Lending Club,
 71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985
 14897310 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 21 2019 03:06:49 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14899195 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 21 2019 03:14:30
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14873365 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 21 2019 03:37:21
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14872008 E-mail/PDF: gecsed@recoverycorp.com Dec 21 2019 03:14:29 PayPal Credit, PO Box 105658,
 Atlanta, GA 30348-5658
 14901326 +E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 21 2019 03:07:06 Premier Bankcard, LLC,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999

District/off: 0315-2

User: lmar
Form ID: 149

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Total Noticed: 50

Date Rcvd: Dec 20, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14878849 E-mail/Text: bnc-quantum@quantum3group.com Dec 21 2019 03:06:33
Quantum3 Group LLC as agent for, Credit Corp Solutions Inc, PO Box 788,
Kirkland, WA 98083-0788
14904523 E-mail/Text: bnc-quantum@quantum3group.com Dec 21 2019 03:06:33
Quantum3 Group LLC as agent for, Velocity Investments LLC, PO Box 788,
Kirkland, WA 98083-0788
14872014 +E-mail/PDF: gecsedirecoverycorp.com Dec 21 2019 03:15:09 SYNCB, PO Box 965005,
Orlando, FL 32896-5005
14872013 +E-mail/PDF: gecsedirecoverycorp.com Dec 21 2019 03:14:24 SYNCB, PO Box 965024,
Orlando, FL 32896-5024
14872012 E-mail/PDF: gecsedirecoverycorp.com Dec 21 2019 03:15:02 SYNCB, PO Box 965036,
Orlando, FL 32896-5036
14911128 +E-mail/Text: bncmail@w-legal.com Dec 21 2019 03:07:00 SYNCHRONY BANK,
c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
14872010 +E-mail/Text: bankruptcy@bbandt.com Dec 21 2019 03:06:34 Sheffield Financial, PO Box 1847,
Wilson, NC 27894-1847
14887059 +E-mail/Text: ebankruptcy@woodforest.com Dec 21 2019 03:07:13 Woodforest National Bank,
1330 Lake Robbins Dr., Spring, TX 77380-3267
14872016 +E-mail/Text: ebankruptcy@woodforest.com Dec 21 2019 03:07:13 Woodforest National Bank,
PO Box 7889, The Woodlands, TX 77387-7889
14872017 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 21 2019 03:14:27 Worlds Foremost Bank,
4800 NW 1st Street, Ste 300, Lincoln, NE 68521-4463
TOTAL: 27

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14887032* +Allegheny Metal FCU, 260 Pershing Ave., Leechburg, PA 15656-1241
14887033* +Avant, 640 N. LaSalle, Chicago, IL 60654-3731
14887037* CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
14887034* Capital One, PO Box 30253, Salt Lake City, UT 84130-0253
14887035* Capital One Services, P.O. Box 30281, Salt Lake City, UT 84130-0281
14887036* Capital One Services, POB 30285, Salt Lake City, UT 84130-0285
14887038* Chrysler Capital, PO Box 660335, Dallas, TX 75266-0335
14887039* Citi, PO Box 9001055, Louisville, KY 40290-1055
14887040* +Citi Cards, PO Box 6283, Sioux Falls, SD 57117-6283
14887041* Comenity Bank, PO Box 182789, Columbus, OH 43218-2789
14887042* Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
14887043* +Fed Loan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
14887044* +First Premier Bank, 601 S. Minnesota Avenue, Sioux Falls, SD 57104-4868
14887045* +Holly Austin, 415 N. 6th Street, Apollo, PA 15613-1217
14887046* +Lending Club, 71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985
14887047* +NATIONWIDE INSURANCE, SERVICE OF PROCESS TEAM, THREE NATIONWIDE PLAZA, MAIL CODE 3-11-310,
COLUMBUS OH 43215-2410
(address filed with court: Nationwide Bank, 1 Nationwide Plaza, Columbus, OH 43215-2220)
14887048* +NCB Management Services, Inc., PO Box 1099, Langhorne, PA 19047-6099
14887049* PA SCUD, PO Box 69111, Harrisburg, PA 17106-9111
14887050* PayPal Credit, PO Box 105658, Atlanta, GA 30348-5658
14887051* +Roundpoint Mortgage, 5032 Parkway Plaza Blvd., Charlotte, NC 28217-1918
14887057* +SYNCB, PO Box 965005, Orlando, FL 32896-5005
14887056* +SYNCB, PO Box 965024, Orlando, FL 32896-5024
14887055* SYNCB, PO Box 965036, Orlando, FL 32896-5036
14887053* +Sheffield Financial, PO Box 1847, Wilson, NC 27894-1847
14876189* Sheffield Financial, PO Box 1847, Wilson, NC 27894-1847
14887054* +Sherman Originator III, LLC, PO Box 10497, Greenville, SC 29603-0497
14887058* +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Financial Services, PO Box 5855,
Carol Stream, IL 60197-5855)
14887060* +Worlds Foremost Bank, 4800 NW 1st Street, Ste 300, Lincoln, NE 68521-4463

TOTALS: 1, * 30, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

District/off: 0315-2

User: lmar
Form ID: 149

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Total Noticed: 50

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2019 at the address(es) listed below:

Christopher M. McMonagle on behalf of Creditor RoundPoint Mortgage Servicing Corporation
cmcmonagle@sterneisenberg.com, bkecf@sterneisenberg.com
Christopher M. McMonagle on behalf of Creditor Embrace Home Loans, Inc.
cmcmonagle@sterneisenberg.com, bkecf@sterneisenberg.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Matthew M. Herron on behalf of Attorney The Debt Doctors, LLC mmh@thedebedtctors.com,
hgs@thedebedtctors.com;alb@thedebedtctors.com
Matthew M. Herron on behalf of Debtor Jeremiah D. Austin mmh@thedebedtctors.com,
hgs@thedebedtctors.com;alb@thedebedtctors.com
Matthew M. Herron on behalf of Joint Debtor Mary Kay Austin mmh@thedebedtctors.com,
hgs@thedebedtctors.com;alb@thedebedtctors.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
Steven P Kelly on behalf of Creditor RoundPoint Mortgage Servicing Corporation
skelly@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 10